

# DRAFT

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WQ 2018-XXXX**

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In the Matter of the Petition of  
**ASOCIACION DE GENTE UNIDA POR EL AGUA AND  
ENVIRONMENTAL LAW FOUNDATION**

For Review of Waste Discharge Requirements General Order No. R5-2013-0122  
Issued by the  
California Regional Water Quality Control Board,  
Central Valley Region

***SWRCB/OCC FILES A-2283(b)***

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BY THE BOARD:

On October 3, 2013, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued Waste Discharge Requirements Order No. R5-2013-0122 (WDRs) to owners and operators of existing milk cow dairies. Asociacion de Gente Unida Por El Agua and Environmental Law Foundation timely filed a petition seeking review of the WDRs with the State Water State Water Resources Control Board (State Water Board). The petition was deemed complete and active on December 21, 2017.<sup>1</sup>

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete.<sup>2</sup> If the State Water Board has not made a formal disposition within this time frame, the regulations deem the petition denied. The denial of a petition for review would ordinarily require a petitioner to file any judicial challenge within 30 days of the denial.<sup>3</sup> When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion to avoid unnecessary or premature litigation.

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<sup>1</sup> Cal. Code Regs., tit. 23, § 2050, subd. (d).

<sup>2</sup> Cal. Code Regs., tit. 23, § 2050.5, subd. (b).

<sup>3</sup> Wat. Code, § 13330, subd. (b).

The State Water Board anticipates issuing an order addressing some of the issues raised in the petition, but not by September 17, 2018. Therefore, the State Water Board has decided to review the WDRs on its own motion.<sup>4</sup>

### **ORDER**

IT IS HEREBY ORDERED that the State Water Board will review Waste Discharge Requirements Order No. R5-2013-0122 on its own motion.

### **CERTIFICATION**

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 4, 2018.

AYE:

NO:

ABSENT:

ABSTAIN:

### **DRAFT**

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Jeanine Townsend  
Clerk to the Board

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<sup>4</sup> See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).